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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,830	03/09/2004	Roger F. Buclow II	2506	2467
7617	7590	08/11/2006	EXAMINER	
BRUZGA & ASSOCIATES 11 BROADWAY, SUITE 715 NEW YORK, NY 10004				RUDE, TIMOTHY L
			ART UNIT	PAPER NUMBER
			2883	

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/796,830	BUELOW ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Timothy L. Rude	2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 May 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 6-19 and 21-23 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 and 20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 20060710.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

Please note, claim 1 is amended to include limitations found in species B and H. Rather than consider the amendment non-responsive, examiner will permit shift of species to include inorganic light-scattering material. However, Applicant's limitations as to "being situated between the core of the light pipe and any fluoropolymer cladding" will be considered met by a device that has no fluoropolymer cladding. Applicant is encouraged to not shift species again, lest amendments be considered non-responsive.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Imamura et al (Imamura) USPAT 6,563,993 provided by Applicant.

As to claim 1, Imamura discloses a light pipe [col. 6, lines 33-63] with directional side-light extraction, comprising: a) a light pipe; b) light-extraction means, 1, applied to

the light pipe over only a part of the cross-sectional perimeter of the light pipe and over an active section in which directional side lighting is desired; and

Applicant's Figure 2c:

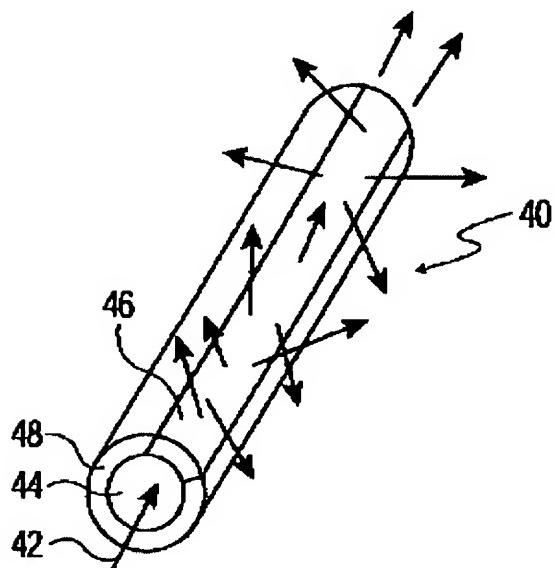


FIG. 2c

Imamura Figure 1:

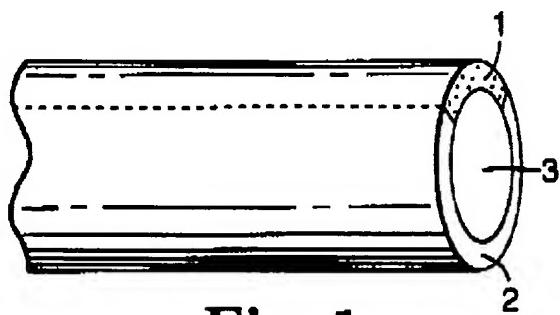


Fig. 1

the light-extraction means comprising a single strip of material, 1, over the active section of the light pipe, said single strip having light-scattering material, the light-scattering material comprising inorganic material [col. 6, lines 51-65] and being situated between the core of the light pipe and any fluoropolymer cladding [none disclosed] on the light pipe that contacts said core, without extending into [of] said core and without extending into said cladding [inorganic particles in a discrete single strip that does not extend into the cladding on either side].

2. Imamura discloses the light pipe of claim 1, wherein the active section comprises a fraction of the length of the light pipe [col. 5, lines 1-3, 43-45, and 50-58].

3. Imamura discloses the light pipe of claim 1, wherein the light pipe has a substantially circular cross section [per Figure 2 and col. 6, lines 4-5].

4. Imamura discloses the light pipe of claim 1, wherein the lumen output as between inlet and outlet portions of the active section is within plus or minus 10 percent of the average value of each other [inherent for short lengths per table at col. 11, lines 47-66].

5. Imamura discloses the light pipe of claim 1, wherein the light-extraction means is a single strip of uniform width over the active section of the light pipe [col. 6, lines 33-63].

20. Imamura discloses the light pipe of claim 1, wherein a substantial section of the light pipe is free of light-extraction means so as to act as a conveyance of light between a light source and a section of the light pipe with light-extraction means [disclosed as desired, Figure 4, and col. 5, lines 1-3, 43-45, and 50-58].

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L. Rude whose telephone number is (571) 272-2301. The examiner can normally be reached on Mon-Thurs.

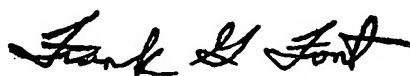
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Timothy L Rude  
Examiner  
Art Unit 2883



tlr

  
Frank G. Font  
Supervisory Patent Examiner  
Technology Center 2800